

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**QUINTEZ TALLEY,**  
**Plaintiff**

**v.**

**PA DEPT. OF CORRECTIONS; JOHN  
E. WETZEL; TAMMY FERGUSON;  
BOBBI JO SALAMON; TIMOTHY  
GRAHAM; B. ANSTEAD; SCOTT  
ELLENBERGER; DAVE LINK; LT.  
SHAW; SGT. RYDER; C.O. BALKO;  
JERROLD LINCOLN; CHIEF, SAFETY  
& ENVIRONMENTAL PROTECTION  
DIVISION<sup>1</sup>; TAMMY S. FAGAN;  
BUREAU OF HEALTH CARE  
SERVICES; DORINA VARNER; and  
C.O. SAYLOR,**  
**Defendants**

**No. 3:16cv2074**

**(Judge Munley)**

**(Magistrate Judge Mehalchick)**

**ORDER**

**AND NOW**, to wit, this 11<sup>th</sup> day of January 2020, we have before us  
for disposition Magistrate Judge Mehalchick's report and recommendation, which  
proposes that the unopposed motions for summary judgment respectively filed by  
the Supervisory Defendants,<sup>2</sup> (Doc. 74), and the Correctional Officer

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<sup>1</sup>The Chief of the Safety & Environmental Protection Division has been identified as Robert McSurdy.

<sup>2</sup>The Supervisory Defendants are comprised of Defendants Anstead, Ellenberger, Fagan, Ferguson, Graham, Lincoln, Link, Salamon, Saylor, Varner,

Defendants,<sup>3</sup> (Doc. 76), be granted in their entirety. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation”); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation in full. It is hereby **ORDERED** as follows:

1. The magistrate judge’s report and recommendation, (Doc. 82), is **ADOPTED**;
2. The motion for summary judgment filed by the Supervisory Defendants, (Doc. 74), is **GRANTED**;
3. The motion for summary judgment filed by the Correctional Officer Defendants, (Doc. 76), is **GRANTED**; and

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Wetzel, Bureau of Healthcare Services, and Chief, Safety & Environmental Protection Division.

<sup>3</sup> The Correctional Officer Defendants are comprised of Defendants Balko, Reiter (misspelled as “Ryder” in the caption of the amended complaint), and Shaw.

4. The Clerk of Court is directed to **CLOSE** this case.

**BY THE COURT:**



**JUDGE JAMES M. MUNLEY**  
**United States District Judge**